IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 19685 of 2007(R)

PETITIONER:

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1. JUBY KUMAR,
   ROLL NO.47, THURUTHIL HOUSE, PALLATHURUTHY,
   CHUNGAM EAST, ALAPPUZHA-11.

2. JAYAMOHAN K.,
   ROLL NO.40, KARUVELIL HOUSE,
   PAZHAVEEDU P.O., ALAPPUZHA.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.BRIJESH MOHAN

RESPONDENTS:

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1. THE KERALA PUBLIC SERVICE COMMISSION,
   PATTOM, TRIVANDRUM, REP. BY ITS SECRETARY.

2. THE DIRECTOR,
   KERALA STATE WATER TRANSPORT DEPT., ALAPPUZHA.

BY ADV. SRI. BIJOY CHANDRAN, GOVERNMENT PLEADER
SRI. P.C SASIDHARAN, SC, PSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NO. 19685 OF 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

By Ext.P1 notification, the Public Service Commission invited application for appointment to the post of Boat Masters. The qualifications prescribed in that regard is a pass in S.S.L.C or equivalent qualification and Boar Master's licence. The notification did not specifically mention written test as such, but according to the petitioners written test was conducted in the last occasion. The vacancies notified in Ext.P1 is 5. But according to the petitioners, there are actually 50 vacancies. The contention is that if there were actually 50 vacancies, written test should have been made part of the selection procedure as larger number of persons could come within the zone of consideration.

2. The petitioner's contention is that selection was not properly conducted. The averments made in Paragraph 2 of the writ petition is fairly illustrative of this. The same contentions are contained in Ext.P3 representation submitted before the Commission. There is a request made to conduct vigilance enquiry in the wake of certain irregularities which the petitioners allege as regards the selection. Ext.P3 is pending consideration before the Commission.

3. Though the commission obviously cannot be expected to conduct a detailed enquiry regarding the alleged propriety or absence of the same in each and every selection that it undertakes, it is not bereft of the power to conduct such enquiry in appropriate cases. I have gone through the writ petition as also Ext.P3 representation. I am of the view that the Public Service Commission should consider the allegations raised in the present case in relation to the selection which led to Ext.P2 list.

4. In the circumstances, the writ petition is disposed of directing the 1st respondent to consider Ext.P3 and if deemed proper conduct a detailed enquiry regarding the allegations leveled therein. Appropriate material can be collected from the petitioners or other persons who have participated in the selection. Obviously, it is for the Commission to decide whether vigilance enquiry is necessary. But, at any rate the Commission shall pass a reasoned order on Ext.P3. This shall be done within a period of two months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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